

Office of the Mayor

Postal Regulatory Commission
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**Before the Postal Regulatory Commission
Washington D.C. 20268-0001**

In the Matter of: Berkeley Main Post Office
Berkeley, CA 94704

Docket NO: A2013-9

**PETITIONER'S REPLY TO UNITED STATES POST OFFICE
MOTION TO DISMISS PROCEEDINGS**

On July 26, 2013, Petitioner Tom Bates, Mayor of Berkeley, filed an appeal of the USPS's Final Determination regarding the relocation of retail services from the historic Berkeley Main Post Office (MPO) and sale of the building.

In lieu of filing the administrative record, the USPS filed Motion to Dismiss Proceedings. The USPS argues that the Commission lacks jurisdiction to hear the appeal on the Berkeley Main Post Office because the facility action involved is allegedly a relocation of services, not discontinuance. The USPS cites several earlier Commission decisions granting dismissal of an appeal on the grounds that 39 U.S.C. 404(d) does not provide the Commission with jurisdiction to hear appeals on the relocation of retail operations to another facility in the same community. However, under 39 U.S.C. 404(d), the Commission has jurisdiction over the USPS decision to "close or consolidate" a facility. In fact, USPS proposes to close the Berkeley MPO by selling the building with no apparent relocation plan.

The Commission has jurisdiction to hear this appeal as USPS's action is in effect, a closure of the Berkeley MPO.

On July 31, 2013, shortly after rendering its final determination on the alleged relocation, USPS issued a 'Project Notification/Announcement' making it public that the Post Service will be putting the Berkeley MPO up for sale.¹ Thus, the Commission has jurisdiction under 39 U.S.C. 404 (d) (5) to review this matter.

Additionally, the USPS's action here is unique in that it has not identified a location in which to relocate retail service nor is there any guarantee that relocation will occur. The Final Determination issued by Mr. Samra, states that 'the goal is to identify a location as close to the current site as possible and within the same ZIP code, where the Postal Service expects to provide the same services during the same operating hours as it provides at the existing site.' In Mayor Bates' appeal, he states: "There are very few appropriate building vacancies in the Downtown Berkeley 94704 zip code. They are all expensive to rent, too large or too small and without convenient off-street parking. The Berkeley Main Post Office serves a large number of customers and no other location is both affordable and spacious enough for similar services." Additionally, this matter is uniquely different than any of the Commission's prior decision granting dismissal because the USPS has given notice of its intent to sell the property.

The USPS Motion to Dismiss should also be denied because it did not consider the impact on the community of its intended closure of the Berkeley MPO.

Because the Berkeley MPO is located in the heart of the Downtown and a few hundred feet from government buildings, such as the Social Security Office, Berkeley City Hall, Berkeley Main Public Library, Berkeley High School and the University of

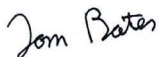
¹ Exhibit 1 is a true and correct copy of the USPS July 31, 2013 "Project Notification/Announcement" that the USPS intended to sell the Berkeley MPO.

California Berkeley and is easily accessible from public transit, many communities use the Berkeley MPO as their post office. The Postal Service has not made public any outreach to the senior and disabled communities that use the Berkeley MPO every day.

Furthermore, the City Council has repeatedly reached out to the Postal Service asking them to release the cost-benefit analysis used to sell the Berkeley MPO and justify their decision to relocate retail service *and* sell the building. In the Final Determination, Mr. Samra states that he 'understands and appreciates the comments expressing heartfelt attachment to the Berkeley Post Office building'. He also states that he 'understands the desire to have a convenient location to access postal services for senior citizens and persons with limited mobility'. He does not, however, present the analysis used by the Postal Service to justify the discontinuance of service nor is there sufficient evidence that Mr. Samra's decision considers community impact.

I believe that if the Commission denies the USPS motion and allows this appeal to go forward, once the USPS files the administrative record there will be sufficient grounds for the Commission to remand the matter. In the end, the USPS Service should be required to go through a proper discontinuance procedure. I respectfully request the PRC to disregard the USPS motion to dismiss proceedings and remand this back to USPS for further review.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Tom Bates".

Mayor Tom Bates

**PROJECT NOTIFICATION / ANNOUNCEMENT
UNITED STATES POSTAL SERVICE PROJECT**

TO: See Attached List	PROJECT NAME: BERKELEY POST OFFICE
PROPOSER/FEDERAL AGENCY: United States Postal Service Facilities Implementation Team 1300 Evans Avenue San Francisco, CA 94188	FINANCE/SUBLOCATION NUMBER: 0550642-G01 RESERVED FOR CLEARINGHOUSE INTERNAL COMMENT:
TYPE OF ACTION(S): New Facility – Postal Owned <input type="checkbox"/> Acquisition of Land/Building <input type="checkbox"/> Lease of Land/Building(s) <input type="checkbox"/> Disposal/Development of Property <input checked="" type="checkbox"/> Use Change <input type="checkbox"/> Environmental Issue <input type="checkbox"/> Other (Explain) <input type="checkbox"/>	DESCRIPTION OF ACTION(S): The United States Postal Service plans to sell the Berkeley Post Office located at 2000 Allston Way, Berkeley, CA 94704.
ESTIMATED PROJECT SIZE: Building Size: 57,200 square feet Site Size: 48,500 square feet	PROJECT SCHEDULE: Start: July 31, 2013 Estimated Completion Date: July 31, 2014
NEXT SCHEDULED PUBLIC ACTION: N/A	RESPONSE DEADLINE TO THE UNITED STATES POSTAL SERVICE IS 60 DAYS. Deadline Date: October 5, 2013

This notification is sent in accordance with USPS policy to voluntarily comply with the Intergovernmental Cooperation Act of 1968 (31 U.S.C. 6501) which provides for cooperation with federal, state, local and area planning agencies in the development of facilities.

Date: July 31, 2013

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